

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT W. SAMSON, ET AL.,)	
Plaintiffs)	
)	
v.)	C.A. NO. 09-cv-30027-MAP
)	
AUSTIN PRECISION PRODUCTS,)	
INC., d/b/a LARUE TACTICAL,)	
Defendant)	

MEMORANDUM AND ORDER RE:
DEFENDANT'S MOTION TO DISMISS OR,
ALTERNATIVELY, TO TRANSFER
(Dkt. No. 10)

June 26, 2009

PONSOR, D.J.

Counsel appeared for argument on June 25, 2009 on Defendant's Motion to Dismiss or Transfer (Dkt. No. 10). After argument, the court indicated it would deny the motion, setting forth its reasons orally.

In summary, the record clearly reflects the existence of specific jurisdiction. Defendants purposefully directed their activities at residents of the state of Massachusetts; this claim arises out of those activities; and the assertion of personal jurisdiction is reasonable and fair. 3D Systems, Inc. v. Aarotech Laboratories, Inc., 160 F.3d 1373, 1378 (Fed. Cir. 1998), citing Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985). Moreover, the pertinent factors considered to determine the appropriateness of a

transfer simply do not favor Defendant over Plaintiff on the record before this court.

For the foregoing reasons, Defendant's Motion to Dismiss or Transfer is hereby DENIED.

Counsel agreed following argument to submit a proposed schedule no later than July 9, 2009. Assuming that it complies with the Massachusetts Local Rules governing patent cases, and is fair to both sides, the court intends to adopt it.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge